

ATTACHMENT B

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

AFFIDAVIT

I, Michael F. Walker, being first duly sworn, do hereby depose and state that:

1. Your affiant is a Deputy United States Marshal stationed in Springfield, Missouri and has been employed with the United States Marshals Service since 1990. Your affiant is authorized to conduct investigations into violations of Title 18, United States Code, Section 2250. The statements contained in this affidavit are based on information your affiant has obtained during the course of this investigation or have been provided to him by other law enforcement officers. This affidavit is not intended to include each and every fact and matter observed by me or known to the government, but is offered solely as a basis for probable cause for a criminal complaint.
2. This affidavit is written in support of a criminal complaint charging Robert Eugene Allen, date of birth October 8, 1965, under Title 18, United States Code, Section 2250, for knowingly failing to register and update his registration as a sex offender after traveling to Missouri following his residency in Mississippi after his 1987 Oklahoma state conviction for lewd or indecent proposals/acts to a child.
3. On July 31, 1987, Robert Eugene Allen, date of birth, October 8, 1965, was charged in the Creek County District Court for the State of Oklahoma, one count of lewd molestation in violation of Oklahoma revised statute 21-1123 (2). The victim was Allen's 12 year old sister in law. The case was captioned *The State of Oklahoma v Robert Eugene Allen*.
4. On September 28, 1987, Robert Eugene Allen pled guilty to one count of lewd molestation. Robert Eugene Allen was sentenced to three years in the Oklahoma Department of Corrections. The sentence of incarceration was suspended and Robert Eugene Allen was placed on probation for three years.
5. Allen was returned to Creek County District Court in Sapulpa, Oklahoma and his probation was revoked on February 3, 1992, and he was sentenced to serve 30 months in the Oklahoma Department of Corrections. Allen arrived at Oklahoma Department of Corrections Receipt and Assessment Center in Lexington, Oklahoma on April 13, 1992. On May 28, 1993, Robert Eugene Allen, was discharged from the Oklahoma Department of Corrections with his sentence completed and no additional supervision to be served.
6. Richard Eugene Allen is not required to register as a sex offender in Oklahoma because Oklahoma only requires registration for convictions that occurred after 1989. On January 29, 2010, Allen was notified in writing by the Mississippi Department of Corrections of his duty to register and he received a copy and signed an acknowledgment of convicted sex offender's duty to register. The form was also signed by Mississippi DOC case manager Tammy Robertson. Allen first registered as a sex offender on February 9, 2010, after his release from Mississippi Department of Corrections on February 4, 2010. Allen was provided with and signed another acknowledgment of a convicted sex offender's duties to register form when he register at the

Jackson County Sheriff's Office in Pascagoula, Mississippi, the form was also signed by Detective Linda Jones who noted on the bottom of the form that a copy was provided to the offender.

7. Robert Eugene Allen last registered his address as 616 Plum Street, Ocean Springs, Mississippi 39564, on February 9, 2010. On May 18, 2010, Jackson County Sheriff's Detective Hope R Thornton filed an affidavit in Jackson County, Mississippi, alleging Robert Eugene Allen, date of birth October 8, 1965, did willfully, knowingly, unlawfully and feloniously failed to personally appear at the Mississippi Department of Public Safety Drivers License Station not less than ten days before he intended to first reside at a new address, as required by Mississippi Code section 45-33-29(6) after being convicted of lewd molestation on September 28, 1987, in Creek County Oklahoma. Detective Thornton conducted an investigation to locate Allen and learned that he was not and had not been living at the address he had registered with the Jackson County Sheriff's office. There is no record of Robert Eugene Allen registering as a sex offender in any state or territory after February 9, 2010.

8. Robert Eugene Allen fraudulently purchased a Harley Davidson motorcycle from Cycle Connection, on July 15, 2010, in Joplin, Jasper County, Missouri. Allen selected a motorcycle and arranged the purchase telling the dealership that he was having the funds transferred from his Edward D Jones brokerage account. The funds did not come through after several attempts and the dealership accepted a personal check from Allen to hold until the funds were transferred. When the funds did not come through the dealership submitted the check to the bank and it was returned as a "bad check".

9. I interviewed Debbie Wilkins by telephone at approximately 1845 hours on August 17, 2010, she was with Robert Eugene Allen at Waters Edge Resort, Kimberling City, Stone County Missouri, when he was arrested by members of the United States Marshals Service fugitive task force at approximately 1615 hours. Wilkins advised that she and her boyfriend had met Allen while they were staying at the Econo Lodge, 17483 State Highway 13, Branson West, Stone County, Missouri. Wilkins advised she became acquainted with Allen through her boyfriend who had met Allen at the motel. According to Wilkins her boyfriend began talking to Allen about his Harley Davidson motorcycle. Wilkins met Allen on August 5 or 6, 2010, and that Allen had continued staying at the Econo Lodge until August 13, 2010, when Allen moved to the Edgewater Villa Resort.

10. Robert Eugene Allen is required to register as a sex offender in the State of Missouri based on Missouri revised Statute 589.400 paragraph 7, which states in part "Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law;".

11. Robert Eugene Allen was arrested at Edgewater Villa, Kimberling City Missouri, by members of the United States Marshal Service Southern Missouri Fugitive Task Force, at

approximately 1615 hours on August 17, 2010. Robert Eugene Allen was not registered as a sex offender in Stone County Missouri and has never been registered as a sex offender at any time in the State of Missouri.

/s/ Michael F. Walker
Michael F. Walker
Deputy U. S. Marshal
United States Marshals Service

Sworn and subscribed to me this 18th day of August, 2010.

/s/ James C. England
James C. England
United States Magistrate Judge